

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

Jeffery W. Campbell,)
Plaintiff,)
v.)
Bosco Contractor Services, LLC,) Civil Action No.
Defendant.)

**VERIFIED COMPLAINT
FOR VIOLATIONS OF THE FAIR LABOR STANDARDS ACT**

COMES NOW Plaintiff Jeffrey W. Campbell (hereinafter, "Plaintiff" or "Mr. Campbell"), by and through counsel, and for his Complaint against Bosco Contractor Services, LLC (hereinafter, "Defendant" or "Bosco"), states and alleges as follows:

NATURE OF THE COMPLAINT

1. Plaintiff brings this action against Defendant under federal law, specifically the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, *et seq.*
2. Plaintiff brings this action against Defendant for unpaid overtime compensation and related penalties and damages.
3. Defendant's payroll policies and practices were and are in direct violation of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, *et seq.*
4. For said violations, Plaintiff seeks declaratory relief; unpaid back wages, overtime premiums for all hours worked over forty hours in a work week; liquidated and/or other damages as permitted by applicable law; and attorney's fees, costs, and expenses incurred in this action.

PARTIES

5. Plaintiff Jeffrey W. Campbell is an adult resident of Milan, Tennessee.
6. Defendant Bosco Contractor Services, LLC is a Tennessee-organized limited liability company, and may be reached for service through its registered agent, Louis Bosco, 3836 Highway 45 N, Jackson, Tennessee 38305-8701.

JURISDICTION AND VENUE

7. This Court has original federal question jurisdiction pursuant to 28 U.S.C. § 1331 because this case is brought under the FLSA, 29 U.S.C. § 201, *et seq.*
8. Defendant Bosco is a legal entity licensed to do business in the State of Tennessee, is subject to service of process in Tennessee through its registered agent, and does business in the state of Tennessee. Therefore, this Court has personal jurisdiction over Bosco.
9. Venue is proper in this District pursuant to 28 U.S.C. § 1331(b) because a substantial part of the events giving rise to Plaintiff's claims occurred in this District.

REPRESENTATIVE ACTION ALLEGATIONS

10. Plaintiff bring this Complaint as a collective action pursuant to Section 16(b) of the FLSA, 29 U.S.C. § 216(b), on behalf of all non-exempt employees who were or are employed by Defendant for the period of three years prior to the commencement of this action to the present, and who were not compensated at one-and-one-half times the regular rate of pay for all work performed in excess of forty hours per week.
11. This Complaint may be brought and maintained as a collective action pursuant to Section 16(b) of the FLSA, 29 U.S.C. § 216(b), for all claims asserted by Plaintiff because his claims are substantially similar to collective action members or putative collective action members.

12. Plaintiff, collective action members, and putative collective action members are similarly situated because they work or worked as non-exempt employees for Defendant and are or were subject to Defendant's common practice, policy, or plan of failing to pay overtime wages for all hours worked over forty in a workweek.

FACTUAL BACKGROUND

13. Defendant Bosco Contractor Services, LLC is a limited liability company which conducts business in Jackson, Tennessee.

14. In June 2020, Defendant hired Plaintiff Jeffery Campbell to work as a truck driver.

15. As a truck driver, Mr. Campbell delivers roll-off containers to construction sites, which, after being filled, are then taken by Mr. Campbell to a landfill for unloading.

16. Mr. Campbell keeps track of his time by writing down his hours on a time sheet.

17. While working for Defendant, Mr. Campbell's regular schedule has been from 7:00 A.M. to 5:00 P.M., but he occasionally finishes early.

18. While working for Defendant, Mr. Campbell has worked on average an estimated forty-seven hours per week.

19. While working for Defendant, Mr. Campbell has been paid an hourly rate of \$22.00.

20. For the duration of his employment, Defendant has not paid Mr. Campbell an overtime premium, or at least one- and one-half times the regular rate of pay for his overtime hours worked.

21. Instead, Defendant has paid Mr. Campbell his "straight time" hourly rate for all hours worked in a workweek, including all hours worked over forty.

22. When Mr. Campbell asked his workers why they weren't getting time and a half for their overtime hours he was told, "Bosco doesn't do that."

COUNT I--VIOLATION OF THE FAIR LABOR STANDARDS ACT

23. Mr. Campbell realleges and incorporates all allegations above as if actually set forth herein.
24. At all relevant times, Defendant Bosco was an “employer” engaged in “commerce” within the meaning of the FLSA, 29 U.S.C. § 203(s)(1).
25. At all relevant times, Defendant “employed” Mr. Campbell and employees similarly situated to him within the meaning of the FLSA, 29 U.S.C. § 203(g).
26. The FLSA requires each covered employer, including Defendant, to compensate all non-exempt employees at a rate of not less than one and one-half the regular rate of pay for work performed in excess of forty hours in a work week. 29 U.S.C. § 207(a)(1).
27. At all relevant times, Mr. Campbell and similarly-situated employees were non-exempt employees within the meaning of the FLSA, 29 U.S.C. § 213.
28. Mr. Campbell and those employees similarly situated to him worked more than forty hours per week.
29. Although Mr. Campbell and similarly-situated employees worked more than forty hours per week, Defendant only paid them their “straight time” hourly rate for all hours worked in any given workweek.
30. Mr. Campbell has been told by other employees that Defendant did not pay an overtime premium for hours worked more than forty in a workweek as a matter of company-wide policy.
31. Defendant thus willfully failed and refused to pay Mr. Campbell and similarly-situated employees an overtime premium for all hours worked over forty in any given workweek.
32. As a result of Defendant’s failure to compensate Mr. Campbell and similarly-situated

employees for their overtime hours at a rate of not less than one and one-half times the regular rate of pay, Defendant has violated the FLSA, 29 U.S.C. § 207(a)(1).

33. The foregoing conduct, as alleged, constitutes willful violations of the FLSA within

the meaning of 29 U.S.C. § 255(a).

34. The foregoing conduct, as alleged, also fails to meet the standard of good faith

compliance with the FLSA within the meaning of 29 U.S.C. § 260.

35. Mr. Campbell and similarly-situated employees have suffered financial injury as a result

of these violations of the FLSA by Defendant and are owed just compensation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jeffrey W. Campbell and those similarly situated to him pray for relief as follows:

1. A declaratory judgment that the practices complained of herein are unlawful under the Fair Labor Standards Act;
2. Pre-judgment interest, as provided by law;
3. An award of money damages for unpaid wages, including liquidated damages, in an amount to be determined at trial;
4. An award of costs and expenses of this action incurred herein, including reasonable attorneys' fees and expert fees;
5. Any and all such other and further legal and equitable relief as this Court deems necessary, just, and proper.

Respectfully submitted,

s/Philip Oliphant

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DECLARATION AND VERIFICATION

I, **Jeff Campbell**, verify and declare that the facts stated in the foregoing Verified Complaint to the best of my knowledge and belief are true, and that the Complaint is not made out of levity or by collusion with the Defendant, but in sincerity and truth for the causes mentioned in the Complaint.



Jeff Campbell

Date: 07 / 05 / 2022



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